

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Civil Action No. 5:19-cv-0041-KDB-DCK**

DANIEL DANFORD and HARRY)
HOUTMAN, individually and on behalf)
of all other similarly situated individuals,)

Plaintiffs,)

v.)

LOWE’S COMPANIES, INC. and)
LOWE’S HOME CENTERS, LLC,)

Defendants.)

**JOINT MOTION FOR
STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs Daniel Danford and Harry Houtman and Defendants Lowe’s Companies, Inc. and Lowe’s Home Centers, LLC hereby stipulate to and request this Court order the dismissal of: (1) named Plaintiff Houtman, without prejudice, and (2) Counts II, III, IV, and V of the First Amended Complaint, with prejudice (ECF No. 17) in the above-captioned matter, but without prejudice to Plaintiff Houtman’s rights to reassert such claims in arbitration. Each party is to bear its own costs in this matter related to Plaintiff Houtman and Counts II-V, subject to any rights Plaintiff Houtman may have to recover such costs as the prevailing party in arbitration.

Plaintiffs and Defendants further stipulate to and request this Court grant Defendants’ Motion to Compel Arbitration of Plaintiff Houtman’s Claims (ECF No. 29) and retain jurisdiction over such claims in the event post-arbitration proceedings or enforcement is necessary.

The Parties respectfully request that the Court grant their Joint Motion for Stipulation of Dismissal regarding the dismissal of Plaintiff Houtman, dismissal of Counts II-V of the First

Amended Complaint, and granting Defendants' Motion to Compel Arbitration of Plaintiff Houtman's Claims.

Pursuant to Section II(A) of Judge Bell's Pretrial Order and Case Management Plan, a memorandum does not accompany this Joint Motion.

Respectfully submitted this 25th day of July, 2019.

s/ Rod M. Johnston

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was electronically filed with the Clerk of Court using the Court's CM/ECF system, which will send notification of such filing to the following counsel of record:

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This the 25th day of July, 2019.

/s/ Benjamin P. Fryer _____